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HUMAN RIGHTS QUESTIONS

Suppression of the traffic in persons and of the exploitation of the prostitution of others

Report of the Secretary-General

SUMMARY

The Economic and Social Council, in resolution 1983/30 on the suppression of the traffic in persons and of the exploitation of the prostitution of others, made a number of recommendations to Member States on that subject. Among the recommendations were the ratification of international instruments and the adoption of measures aimed at preventing prostitution, increasing the number of women in the State's personnel having direct contact with the populations concerned, eliminating discrimination against prostitutes and facilitating their reabsorption into society, curbing the pornography industry and punishing all forms of procuring. Requests regarding these issues were also made to organs and organizations of the United Nations system. At the Council's request, the Secretary-General reported on the implementation of resolution 1983/30 to the Council at its first regular session of 1985 (E/1985/46), first regular session of 1990 (E/1990/33), first regular session of 1991 (E/1991/18) and substantive session of 1992 (E/1992/49 and Add.1 and 2).

The Council in resolution 1992/10 requested the Secretary-General to submit a further report to it in 1993, on the steps taken to implement the recommendations contained in Council resolution 1983/30 by those member States, United Nations organizations and other intergovernmental organizations that had not yet submitted such information. The present document contains information submitted pursuant to that request.

* E/1993/100.

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INTRODUCTION

1. In paragraph 3 of its resolution 1992/10 on the suppression of the traffic in persons, the Economic and Social Council requested the Secretary-General to submit a further report to the Council in 1993, on the steps taken to implement the recommendations contained in Council resolution 1983/30 by those Member States, United Nations organizations and other intergovernmental organizations that had not yet submitted such information.

2. In paragraph 4, the Council also requested the Secretary-General to include in that report information on activities of the supervisory bodies of the International Labour Organisation regarding the implementation of provisions and standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery.

3. In paragraph 5, the Secretary-General was further requested to include in that report information on any operational activities of the United Nations system that could foster the implementation of standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery and activities that might be geared to the prevention of violations and alleviation of the plight, or rehabilitation of victims.

4. Pursuant to that resolution, the Secretary-General, on 25 November 1992, addressed requests to Governments, United Nations organs, specialized agencies and intergovernmental organizations concerned for information on the steps taken to implement the recommendations in Council resolutions 1983/30 and 1992/10.

5. By 5 April 1993, replies had been received from the following States: Austria, China, Dominica, Dominican Republic, Latvia, Poland, Saint Vincent and the Grenadines, San Marino and Yugoslavia.

6. Replies were also received from the Economic and Social Commission for Asia and the Pacific, the Centre for Social Development and Humanitarian Affairs (United Nations Office at Vienna), the International Labour Organisation, the World Health Organization and the United Nations Interregional Crime and Justice Research Institute. The Centre Against Apartheid, the Division for Palestinian Rights, the Department of Economic and Social Development, the United Nations Conference on Trade and Development and the United Nations Development Programme indicated that they had no information to submit on this subject.

7. The present report has been prepared pursuant to paragraphs 3, 4 and 5 of Council resolution 1992/10 and contains a summary of the substantive replies received.

8. The Secretary-General deems it appropriate to refer also to his previous reports on the implementation of Economic and Social Council resolution 1983/30 (documents E/1985/46, E/1990/33, E/1991/18 and E/1992/49 and Add.1-2), which were submitted to the Council at its first regular sessions of 1985, 1990 and 1991 and at its substantive session of 1992. As indicated in those reports, a number of countries (Argentina, Barbados, Belgium, Brunei Darussalam, Burkina Faso, Chad, Chile, Colombia, Cuba, Czechoslovakia, El Salvador, the Federal Republic of Germany, Finland, Gabon, Guinea, Iraq, Madagascar, Mexico,

Netherlands, Norway, Pakistan, Portugal, Qatar, Rwanda, South Africa and Tunisia) had submitted information in connection with Council resolution 1983/30. Substantive replies on this subject had also been received from the Department of Public Information, the Division for the Advancement of Women, the Economic Commission for Africa, the Economic Commission for Latin America and the Caribbean, the United Nations Children's Fund, the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organisation, the Commission of the European Communities, the Council of Europe, the European Parliament, the Organization of American States, the World Tourism Organization and Interpol. The information contained in those replies was transmitted to the Working Group on Contemporary Forms of Slavery of the Subcommission on Prevention of Discrimination and Protection of Minorities for consideration at its tenth, eleventh, fifteenth, sixteenth and seventeenth sessions.

9. Any additional replies will be issued as addenda to the present report.

I. INFORMATION RECEIVED FROM STATES

A. Austria

[Original: English]

[12 February 1993]

1. The Austrian Federal Law on Pornography, which entered into force in 1950, will undergo major amendment in the course of this year. The decision to adapt this law in its entirety to accommodate the needs, values and beliefs of contemporary society was prompted by the perceived need to adopt legal provisions to combat the phenomenon of child pornography.

2. Child pornography, sexual abuse of children in this respect and the quest for efficient countermeasures have been at the heart of discussions both in Austria and abroad. Thus, the Austrian Federal Ministry for Environment, Youth and Family commissioned a study to focus on child pornography and related issues, which was made public under the title "Password: Blossom" in June 1992. Furthermore, inter-ministerial expert talks on the subject took place in September 1992, with the participation of the Federal Ministry for Justice and the Federal Ministry for Environment, Youth and Family. On the basis of these results, the Austrian Federal Government presented a special report (drafted by the Ministry for Justice after consultation with the Ministry of the Environment, Youth and Family) which contains conclusions and recommendations for measures to be adopted in combating child pornography.

3. This report recommended, inter alia, the following:

(a) That traffic in pornographic representations involving children, including any non-commercial circulation thereof, be prohibited absolutely;

(b) That consideration be given to making the possession of any such material liable to criminal prosecution;

(c) That further consideration be given to considering violations of this absolute prohibition committed by gangs or professionals as aggravating circumstances in terms of punishment. (Such a provision should help combat the market for child pornography even further.)

4. Given the advanced state of these legislative preparations, work on the government bill for a federal law on pornography 1993 should be completed by June 1993.

B. China

[Original: Chinese]

[23 January 1993]

1. Trafficking in people and forcing people to prostitute themselves for profit are serious criminal acts. They corrupt social values, undermine the happiness of the home and cause serious injury to the physical and mental health of women and children. Preventing and punishing traffic in people and prostitution in order to protect the personal rights of women and children are important duties for every Government.

2. Chinese law explicitly prohibits trafficking in people and prostitution. Article 141 of the Penal Code states that those guilty of trafficking in persons are subject to up to five years' imprisonment, or to over five years' imprisonment where the circumstances are grave. Article 184 states that anyone who abducts and sells a child aged under 13 is subject to up to five years' imprisonment. Article 140 states that forcing a woman to prostitute herself renders the culprit liable to up to 10 years' imprisonment. In 1983 the Standing Committee of the Chinese National People's Congress passed a resolution calling for severe punishment of criminal elements who seriously endanger social order; it stipulates that the ringleaders in abductions and sales of individuals, and criminals who force women into prostitution, can be subjected to penalties above the maximum laid down in the Penal Code, up to and including the death penalty. In September 1991, the Standing Committee passed resolutions calling for severe punishment of those who sell or kidnap women and children, and strictly prohibiting prostitution and using the services of prostitutes. These established clearer, more specific provisions on the criminal liability, as well as penalties and other sanctions faced by those who kidnap and sell people or participate in, entice or force people into prostitution; and the resolutions also provide judicial organs with fresh legal grounds for punishing criminal elements of this kind. Under these provisions, Chinese judicial organs have been taking specific measures to put down outbreaks of such criminal activities in individual areas and have been energetically protecting the basic rights of women and children.

3. The Government of China considers that countering and putting a stop to the kidnapping and sale of individuals and prostitution is a long-term and complicated endeavour. It requires not only a strengthening of domestic law but also effective measures to mount an active guard, and it also requires cooperation among nations to deal severely with such transnational criminal

elements, while at the same time actively helping their female and child victims to return to their homes as quickly as possible.

4. The Government of China is also concerned that criminal organized entrapment, kidnapping and sale of women and children for profit is becoming increasingly prevalent, and is already a transnational crime. The States concerned must be encouraged to take effective legislative and other measures to outlaw and suppress this crime, and to provide realistic, humanitarian protection for its victims.

C. Dominica

[Original: English]

[27 January 1993]

1. The Government of Dominica has taken legislative steps to implement recommendations contained in Economic and Social Council resolution 1983/30. The relevant legislation includes the following:

(a) The Children and Young Persons Welfare Act, which makes provision for the care, supervision and protection of children and young persons;

(b) The Sexual Offences Act, which relates to sexual crimes, abduction, procuration and prostitution of women and to kindred offences. This act stipulates that defilement of a girl under 12 is liable to imprisonment for life. It also states that someone committing the crime for unlawful carnal connection could be jailed for two years;

(c) The Cinematograph Act makes provision for the censorship of cinematograph films for public exhibition;

(d) The Employment of Children Prohibition Act and the Employment of Women, Young Persons and Children Act are laws against the exploitation of minors and women.

2. As regards the elimination of discrimination, the Commonwealth of Dominica Constitution Order 1978 clearly states in chapter 1, section 13, that no person shall be treated in a discriminatory manner by any person or authority. All persons are equal before the law and cannot be treated differently because of their sex, race, place of origin, political opinions, colour or creed.

D. Dominican Republic

[Original: Spanish]

[5 March 1993]

1. The Dominican Republic has not yet ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others but is taking steps towards ratification.

2. Educational efforts are being made through the radio, the press and technical schools to warn and teach young people about the inherent dangers of prostitution.

3. The Dominican Republic is interested in women's professional development and has adopted a policy designed to increase the number of women in the civil service who have direct contact with the general population. To this end, women have been placed in important posts in the Administration. More than 50 per cent of the city of Santo Domingo's judicial offices are held by women, and in the central Government, women currently hold the offices of Secretary of State for Finance and Secretary of State for Education, Fine Arts and Culture.

4. Dominican women strive daily for more active involvement not only in government administration but also in the private sector, where they play an important role in the country's productive development.

5. For eliminating the discrimination which marginalizes prostitutes, there are various religious and civil organizations in the Dominican Republic that devote themselves to working with prostitutes. The goal of these organizations is to provide the women with the necessary tools for taking care of themselves and to help them to find jobs so they can give up their former life. Shelters have been set up for them where they receive guidance to facilitate their development in society.

6. Pornographic materials are regularly seized in an attempt to prevent their falling into the hands of minors. Articles 334 and 335 of the Criminal Code punish those guilty of immoral behaviour or of promotion of prostitution and corruption of minors.

7. Lastly, it should be mentioned that persons engaging in the white slave trade, exporting Dominican women to various countries in Europe and America, are now being prosecuted by the competent authorities and sentenced to prison.

E. Latvia

[Original: English]

[11 March 1993]

1. In connection with Economic and Social Council resolutions 1983/30 and 1992/10, the Republic of Latvia referred to the following legal regulations:

(a) Article 208 of the Criminal Code of the Republic of Latvia, "Breeding grounds of criminality and matchmaking";

(b) Article 209 of the Criminal Code of the Republic of Latvia, "Production or promulgation of articles with pornographical nature";

(c) Article 174 of the Code of Administrative Violations of the Republic of Latvia, "About the occupation with prostitution". The drafts of the new Criminal Code and the Code of Administrative Violations of the Republic of Latvia which are now being worked out provide for legal regulations which will

ensure the implementation of the above-mentioned restrictive legislative regulations.

2. Recently the Ministry of Justice of the Republic of Latvia proposed to amend the law of the Republic of Latvia - "About the press" - with a paragraph which would restrict the publication and trading of materials of a pornographic nature; however, these amendments were not accepted.

3. On 5 January 1993 the Supreme Council (Latvia's parliament) adopted a resolution providing for the restoration of multilateral treaties to which the Republic of Latvia had acceded until 1940.

4. At present, the convention on obscene publications is being compared with the legislation of the Republic of Latvia and international legal regulations.

F. Poland

[Original: English]

[22 March 1993]

1. The Penal Code Act dated 19 April 1969, in its introductory provisions contained in article 9, provides for imprisonment for a period of not less than three years for the person who procures, entices or abducts another person, even with that person's permission, for the purpose of practising prostitution and trading in women, even with their permission, or in children.

2. The offence referred to in this provision is a crime and criminal cases are in the competence of a provincial court of law.

3. The Penal Code of 1969 lists crimes against the family and minors in a separate chapter on account of the great importance of these subjects protected by the Penal Code.

4. Article 184, paragraph 1, of the Penal Code provides for imprisonment from six months to five years for a person who demonstrates physical or mental cruelty towards a member of the person's family or towards another person who remains in a permanent or temporary dependency relationship with the offender or towards a minor or a helpless person. If, as a consequence of this act, the injured person attempts suicide, the offender is liable to be sentenced to prison for a term of 1 to 10 years.

5. The penalty for intoxicating a minor and for evading alimony obligation is a prison sentence of up to three years (art. 185 of the Penal Code).
Article 187 of the Penal Code provides for imprisonment from six months to five years for abandonment of a minor or a person unable to take proper care of himself/herself. If as a consequence of this act the abandoned person dies, the prison sentence is extended to up to 10 years.

6. Abduction of a minor or a person unable to take proper care of himself/herself is punishable by a six-month to five-year prison sentence (art. 188 of the Commercial Code).

7. A sentence of 1 to 10 years' imprisonment is specified in article 168, paragraph 1, of the Penal Code for the crime of rape. If the offender acts with extreme cruelty or commits rape together with other persons, he is punishable by imprisonment for a period of not less than three years.

8. Article 170 provides for a prison sentence from six months to five years for an offence involving the act of inducing another person to prostitution or of facilitating someone else's prostitution by abusing a relationship of dependence or taking advantage of the person's critical predicament.

9. Persuading another person to practise prostitution, profiting from someone else's prostitution or facilitating someone else's prostitution for material gain is punishable by 1 to 10 years of imprisonment (art. 174, paras. 1 and 2 of the Penal Code).

10. Lascivious acts perpetrated against a person who is less than 15 years old is punishable by 1 to 10 years of imprisonment (art. 176 of the Penal Code), while prostitution committed in the presence of a person who is less than 15 years old or committed in public is punishable by imprisonment of up to one year, by penalty of restricted liberty or a fine (art. 177 of the Penal Code).

11. The Penal Code bill drafted by Commission for the Reform of Penal Law introduces a type of crime involving trafficking in human beings. Article 255 of the bill specifies that a person who deals in traffic of human beings, even with their permission, shall be sentenced to from six months to eight years' imprisonment.

12. The bill lists regulations specifying crimes against sexual freedom and crimes against mores in one chapter as these spheres of life protected by law are usually attacked jointly.

13. Article 203, paragraph 2, of the bill determines the liability of a person who displays pornography or makes such objects available to a person who is less than 15 years old or records pornography with the aid of this person.

14. The bill provides for a more severe liability of the offender if, for material gains, this person persuades a minor to commit prostitution or aids that person in committing prostitution or who benefits materially from the practices of prostitution by that person.

15. Pursuant to article 206 of the bill, anyone entering into sexual contact or performing a sexual act in respect of a person who is less than 15 shall be punishable by imprisonment from three months to five years.

G. Saint Vincent and the Grenadines

[Original: English]

[12 March 1993]

1. No specific national legislation has been enacted in Saint Vincent and the Grenadines pursuant to paragraph 3 of Council resolution 1983/30. However, the Criminal Code of Saint Vincent and the Grenadines, chapter VIII, sections 129-141, makes punishable the causing or encouraging of prostitution as well as the exploitation of the prostitution of others.

2. There are no specific laws relating to the curbing of the pornography industry and the trade in pornography, whether or not minors are involved. Sections 54 and 55 of the Criminal Code, however, concern the power to prohibit publications and offences in relation to publications the importation of which is prohibited.

3. In relation to the trafficking in persons, there is no known case of trafficking in persons in Saint Vincent and the Grenadines or between Saint Vincent and the Grenadines and other countries.

H. San Marino

[Original: Italian]

[25 February 1993]

The Republic of San Marino reported that in the history of the Republic there had been no cases involving traffic in persons.

I. Yugoslavia

[Original: English]

[5 March 1993]

1. The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted by the General Assembly in 1949, was ratified by Yugoslavia in 1950. This international instrument determines the scope of protection against criminal activities of this kind and calls for the adoption and implementation of penal and other measures against persons engaged in the traffic in persons or against those who otherwise exploit the prostitution of others, which constitutes a basis for penal and social legislation in the States parties.

2. As regards protection under law, the Criminal Code of the Federal Republic of Yugoslavia defines procurement as a criminal act (art. 251). Procurement is a criminal act which, according to the method of its commission, may take two forms: pandering (through recruitment, procurement, encouragement or luring)

and so-called white slavery, i.e. the trade in women (involvement in the transfer of a female person to another person for prostitution purposes).

3. The perpetrator of both types of crime described above can be either male or female, while the victim is a female person of full age, irrespective of her marital status and sex experience; the perpetrator may be punished by imprisonment from three months to five years.

4. The crime is qualified as a more serious one if committed against a minor female or by the use of violence, threat or deception, in which case punishment is more severe - 1 to 10 years in prison.

5. Pursuant to the aforementioned Convention and the commitments undertaken with respect to the International Criminal Police Organization, the Code of Criminal Procedure (art. 521) stipulates that the authority prosecuting an act representing white slavery is bound to provide the Federal Ministry of Internal Affairs without delay with information on the act and its perpetrator, while the first instance court concerned is obliged to submit its effective sentence as well. These documents are further transmitted to INTERPOL.

6. According to the statistics available in 1990, no criminal charges were brought for this crime in the republics of Serbia and Montenegro. In 1991 there were four instances in the republic of Serbia of criminal charges being brought for the basic form of this crime, i.e. procurement. Out of these, investigations were dropped in three cases and an indictment was returned in one case. In the course of that year, there were no convictions under article 251, paragraph 1. In the case of a more serious form of the crime indictable under article 251, paragraph 2, criminal charges were filed only once within the territory of the republic of Serbia and were dismissed due to the lack of evidence that the suspect had actually committed the crime.

7. Under paragraph 2 of Council resolution 1983/30, member States are invited to sign, ratify and implement the International Convention for the Suppression of the Circulation and Traffic in Obscene Publications and the Protocol thereof. Yugoslavia ratified the two international instruments in 1951.

8. Accordingly, the Criminal Code of the Federal Republic of Yugoslavia penalizes presentation of pornographic material as a criminal act (art. 252). This article stipulates a fine or imprisonment for up to one year for a person who sells, displays or presents in public or otherwise makes available to a person under the age of 14 any pamphlets, pictures, audiovisual or other pornographic material or who enables him/her to watch a live show. This act has been qualified as such under the 1990 amendment to the Criminal Law of the Federal Republic of Yugoslavia. Until that time, it included the production, sale circulation, public display or acquisition for sale or keeping of pamphlets, pictures or other items seriously offending morals. The offence could be committed against any person, not only one under the age of 14, while the penalty was the same.

9. Like the criminal act of procurement for prostitution purposes as referred to above, and related to this act, obligations are the same for the prosecuting authorities, i.e., to forward information concerning such cases to the Federal

Ministry of Internal Affairs, and for the first instance court to submit an enforceable sentence. These documents are also transmitted to INTERPOL.

10. Statistical data in 1990 indicate that in the republic of Serbia, criminal charges for this act were brought in two instances and were dismissed. No one was accused or sentenced. In 1991, in the republics of Serbia and Montenegro, no criminal charges were filed in this regard.

II. INFORMATION SUBMITTED BY UNITED NATIONS ORGANS, SPECIALIZED AGENCIES AND INTERGOVERNMENTAL ORGANIZATIONS

A. Economic and Social Commission for Asia and the Pacific

[Original: English]

[29 January 1993]

The Economic and Social Commission for Asia and the Pacific (ESCAP) has submitted the following ESCAP documents:

Promotion of Community Awareness for the Prevention of Prostitution in the ESCAP Region (ST/ESCAP/1078);

Directory of Projects on the Prevention of Prostitution in Asia and the Pacific (ST/ESCAP/1074);

Social Development Newsletter No. 27, October 1992. This includes an article on child prostitution and is available for consultation in the files of the Secretariat.

B. Centre for Social Development and Humanitarian Affairs

[Original: English]

[4 February 1993]

Advancement of women

1. Reference was made to general recommendation 19 on violence against women, adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session. The recommendation adopted by the Committee includes commentary on article 6 of the Convention, in connection with measures to suppress all forms of traffic in women and exploitation of the prostitution of women.

2. Reference was also made to the draft declaration on the elimination of violence against women approved by an inter-sessional working group of the Commission on the Status of Women held from 31 August to 4 September 1992. The draft declaration considers different types of violence against women, including trafficking in women and forced prostitution. It also refers to a number of measures geared to prevention of violence and assistance to victims of violence.

This draft will be considered by the Commission on the Status of Women at its next session in March, which has been urged by the General Assembly in its resolution 47/95 to complete its work on the draft with a view to adoption of the Declaration by the Assembly.

Crime prevention and criminal justice

3. The United Nations Guidelines for the Prevention of Juvenile Delinquency, the Riyadh Guidelines, adopted by the General Assembly in its resolution 45/112, specifies a range of multidisciplinary measures that would effectively prevent young persons from engaging in, or falling victim to, criminal activities and coming into conflict with the law. A basic precept of the Guidelines is that of offsetting factors which place children at social risk (e.g. abused, abandoned, neglected or street children), which have proved to be conducive or contribute to the entrapment of children in irregular situations, such as in the case of trafficking in persons and other slavery-like practices, and aim at their protection.

4. The vulnerability and lack of respect for the autonomous rights of children in different legal systems, as well as the mal- and non-feasance on the part of caretakers, have enabled a massive criminal exploitation of children.

5. The Crime Prevention and Criminal Justice Branch, for many years together with the Centre for Human Rights, and in cooperation with an extensive network of children's rights proponents, has been striving to uphold the rights of children in and through the administration of juvenile justice, which necessarily involves achieving social justice and thus upgrading the quality of life of the world's children.

6. Questions of child development, socialization, social control and child-rearing can fall squarely within the purview of juvenile justice and delinquency prevention concerns, for it is the justice system, by virtue of default, that must ultimately deal with "wayward" and "troubled" children. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the Beijing Rules and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, two complementary instruments to the Riyadh Guidelines in the juvenile justice field, aim to negate the adverse effects of justice responses and procedures in situations of conflict with the law, through separate and specialized administrations and systems of juvenile justice.

7. As mandated by the General Assembly in its resolution 45/112, the Branch will publish, in 1993, a new, composite United Nations Manual on Juvenile Justice Standards, including the texts of the three instruments, along with a set of commentaries on major issues covered by their provisions (e.g., child detention, child development, social policy), which, it is envisaged, will assist professionals and guide future United Nations work in this field. The Manual is intended to have implications for the suppression of the trafficking in children and other exploitative practices which have a direct bearing on justice-oriented delinquency prevention and desirable practices in juvenile justice administration world wide.

C. International Labour Organisation

[Original: English/French]

[12 February 1993]

The International Labour Office has submitted a summary of the comments made by the supervisory bodies of the International Labour Organisation (ILO) at their 1992 sessions in regard to the implementation of ILO standards designed to ensure protection against forced labour, including slavery. It included the comments made by the Committee of Experts on the Application of Conventions and Recommendations, at its March 1992 session, with regard to forced and bonded labour in Brazil, bonded labour in India and Pakistan, forced labour in Peru, slavery and exploitation of children in the Sudan, exploitation of children in Sri Lanka and Thailand and employment on sugar-cane plantations in the Dominican Republic. Also included were extracts from the report of the Committee on the Application of Standards of International Labour Conference, at its seventy-ninth session (June 1992), at which some of the Committee of Experts' comments were discussed.

D. World Health Organization

[Original: English]

[3 February 1993]

1. The suppression of the traffic in persons and the protection of persons exposed to contemporary forms of slavery are not central to the World Health Organization (WHO) constitutional mandate that guides its programmes and activities.

2. Certainly, the WHO mission is inspired by the goal of social justice and equity in health, and the organization dedicates particular attention to the right to health of vulnerable and underprivileged people.

3. For instance, children in vulnerable and difficult circumstances, street children, those engaged in exploitative child labour and those innocently exposed to civil conflicts and natural disasters have special health needs not readily met by existing health structures and approaches; WHO is promoting and supporting applied research on indicators and interventions for children in such circumstances. In particular, WHO reports on these activities to the Committee on the Rights of the Child.

4. WHO has also addressed the problems of trade for profit in human organs which caused concern on several grounds, among which was traffic in persons. In May 1991, the Forty-fourth World Health Assembly adopted Resolution WHA44.25 endorsing a set of Guiding Principles on Human Organ Transplantation, the primary objective being to combat trade for profit in human organs among living human beings, such trade being inconsistent with the most basic human values and in contravention of the Universal Declaration of Human Rights and the spirit of the WHO Constitution.

E. United Nations Interregional Crime and Justice Research Institute

[Original: English]

[28 January 1993]

1. With regard to activities of the United Nations Interregional Crime and Justice Research Institute (UNICRI) intended to foster the implementation of standards designed to ensure the protection of children and other persons exposed to contemporary forms of slavery and activities that may be geared to the prevention of violations and alleviation of the plight or rehabilitation of victims, the following information was provided.

International Expert Group Meeting on the Instrumental Use of Children in Criminal Activities (Rome, 8-10 May 1992)

2. UNICRI participated in this two-day meeting organized by the Italian Ministry of Justice and the Crime Prevention and Criminal Justice Branch, Centre for Social Development and Humanitarian Affairs, United Nations Office at Vienna, and presented a paper on its pilot project for street children in Buenos Aires and Montevideo. This meeting was concerned principally with the exploitation of young persons below the age of criminal responsibility and resulted in the following series of conclusions and recommendations, listed under the headings contained in General Assembly resolution 45/115:

(a) Undertake research and a systematic analysis of the phenomena. The meeting agreed that research was needed into the types of crime in which children may be instrumentally used, the profiles of adults who use them in this way and their relationships to them, and into the profile of children themselves, including their age, sex, socio-economic conditions, and educational level;

(b) Development of training and awareness activities. It was felt that the mass media should be engaged in public awareness-raising activities to sensitize public opinion to the plight, special circumstances and vulnerability of children used as instruments in crime. The meeting also agreed that scientific, professional and human rights communities should give due attention to this phenomenon, and that schools and community educators must be involved in educating children themselves to the dangers of becoming involved in criminal activities;

(c) Appropriate sanctioning. The meeting agreed that in all aspects of the criminal justice system, the promotion of the regard of a child as a human being and a member of society with full human and legal rights, and not simply as an object of care and protection, should be encouraged. Furthermore, the recruiting, organizing or instrumental use of children for criminal purpose by adults should be criminalized;

(d) Comprehensive policies, programmes and effective preventive remedial measures. The meeting agreed that there was a complexity of factors that contributed to the instrumental use of children in criminal activities, and that strategies must thus take an integrated rather than a fragmented approach and be

multi-dimensional. Primary crime prevention by Governments should constantly attempt to improve education, housing, employment, leisure and recreational facilities, and specialized re-education and reintegration programmes should be designed and made available to assist child victims of exploitation.

3. UNICRI hopes to continue to collaborate with the Branch in this area, and is currently working on two projects based upon the protection of the rights of the child.

Juvenile justice reform in Myanmar

4. On 16 July 1991 Myanmar acceded to the Convention on the Rights of the Child. By becoming a State party, Myanmar has accepted a formal obligation to the international community to recognize and provide protection to the broad range of rights recognized in the Convention. In addition, Myanmar has an obligation to cooperate with the international community in monitoring efforts made to improve the enjoyment of such rights, through the submission of reports to the Committee on the Rights of the Child.

5. A fund-raising campaign was launched by UNICRI through the auction of objets d'art donated by Italian antique dealers in the course of 14 weekly television programmes broadcast between November 1991 and February 1992, and it was decided to use the funds for the elaboration of a project on the reformation of the juvenile justice system in Myanmar in the light of the Convention on the Rights of the Child and as an integral part of a wider programme of the United Nations Children's Fund for children in especially difficult circumstances.

6. The general objectives of the project are:

(a) To promote awareness and understanding of the Convention on the Rights of the Child in Myanmar;

(b) To help the Myanmar authorities to develop the capacity to satisfy their reporting obligations under the Convention;

(c) To provide the Myanmar authorities with advice and assistance in developing and in implementing programmes intended to guarantee rights recognized by the Convention;

(d) To provide the authorities with technical advice and assistance in studying the compatibility of national law with the Convention and in preparing any new legislation which would help to ensure full implementation of the Convention.

7. A UNICRI mission visited Yangon in July 1992 and held meetings with the government departments that will be involved in the project (Supreme Court, Office of the Attorney General, Social Welfare, Police and Prisons) and the Law Department of the University of Yangon. Discussions were also held with the Centre for the Protection of Children's Rights in Bangkok. Experts have been identified and it is hoped to begin implementation within the next few weeks.

Support and rehabilitation of child prostitutes in Thailand

8. In the light of the successful fund-raising campaign for the project on juvenile justice reform in Myanmar, and having been made aware by the Centre for the Protection of the Rights of the Child (CPRC) of the plight of child prostitutes in Thailand, it is UNICRI's intention to organize another televised fund-raising campaign through the Italian national broadcasting network and to utilize this money in a joint project with the CPRC to provide support and rehabilitation to these child victims.

9. UNICRI also submitted a report on its pilot project for street children in Buenos Aires and Montevideo, which is available for consultation in the files of the Secretariat.